IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Appl. No. 383 of 2006

1. Mohammad Shakir S/o Mohammad Sayeed
2. Smt. Jiya W/o Mohammad Sayeed
3. Aarif S/o Mohammad Sayeed
4. Gudia @ Tabassi D/o Mohammad Sayeed
5. Mohammad Sayeed S/o Maima
   All R/o Mohalla Nawabpura,
   Kasba Pargana & Tehsil Nazibabad
   Police Station – Nazibabad
   District – Bijnor ... Applicants

Versus

1. Judicial Magistrate, 1st Class, Kotdwar
   District – Pauri Garhwal
2. Smt. Gulista W/o Mohd. Shakir
   R/o Aam Parao, Kotdwar
   District – Pauri Garhwal …

Respondents

Sri Sudhir Singh, learned counsel for the applicants

Hon'ble J.C.S. Rawat, J.

This petition u/s 482 Cr.P.C. has been filed to quash the entire proceedings of Criminal Case No. 609 of 2005, State Vs. Mohd. Shakir & others pending in the court of Judicial Magistrate, 1st Class, Kotdwar, District-Pauri Garhwal u/s 323, 498-A, 506 I.P.C. r/w Section ¾ D.P. Act against the present applicants.

During the course of the proceedings, the compromise had taken place in between the parties and joint affidavit of Mohammad Shakir, husband of Gulista and Gulista, wife of Mohd. Shakir were filed before this court alleging therein that they have entered into the compromise and now they do not have any grievance. The affidavit have been verified by the Addl. Registrar of this court. The original compromise have been made the annexure of the said affidavit.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B.S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277**:-

"*12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*

13. The observations made by this Court, though in a slightly different context, in ***G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693*** *are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about re-approachment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts.*"

In view of the compromise entered in between the parties, the proceedings of Criminal Case No. 609 of 2005, State Vs. Mohd. Shakir & others pending in the court of Judicial Magistrate, 1st Class, Kotdwar, District-Pauri Garhwal u/s 323, 498-A, 506 I.P.C. r/w Section ¾ D.P, is hereby quashed.

The petition is disposed of accordingly.

(J.C.S. RAWAT, J.)

26th June, 2006
Shiv